

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

**A. NO NEW ISSUES**

Claims 1-18 were pending prior to the Office Action. In this Amendment, claims 8 and 14 are canceled and the subject matter therein are incorporated in independent claims. Therefore, no new issues are presented. Claims 1-7, 9-13 and 15-18 remain pending.

**B. DRAWINGS**

Examiner objects to the amended drawings submitted on May 19, 2009 for allegedly lacking legends. Each sheet has been clearly labeled as "Replacement Sheet" and "Annotated Sheet Showing Changes". Further, the original disclosure was amended to particularly direct the reader to the description of the figures and the elements therein. Thus, the nature of the objection is unclear to the Applicants. Thus, Applicants respectfully request a further clarification so that the issue may be resolved.

**C. DOUBLE PATENTING**

Examiner provisionally rejects claims 1, 4 and 6 on the ground of nonstatutory obviousness-type double patenting as allegedly being

unpatentable over claims 1, 2 and 6 of co-pending Application No. 10/584,136. Applicants respectfully request that the provisional rejection be held in advance until at such a time the claims of the co-pending applications are in fact allowed.

#### **D. PATENTABILITY OF THE CLAIMS**

In the Office Action, Examiner makes the following rejections:

- claims 1, 5-8, 11-14, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billhartz (U.S. Publication No. 2003/0204587) in view of Jain (U.S. Patent No. 7,373,543);
- claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Billhartz in view of Jain and further in view of Kuszmaul (U.S. Patent No. 5,111,198); and
- claims 3, 4, 9, 10, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billhartz in view of Jain and further in view of Boaz (U.S. Publication No. 2008/0048883).

Applicants respectfully traverse. Examiner alleges that Jain teaches selecting two routes and routing packets via the two routes. Jain relates to solving a problem of recovery from a breakdown of a path for supporting data streams traversing a network. Jain only describes recovery from a path breakdown by sending copies of a packet on several paths for a general computer network. It is not adapted for ad hoc networks as indicated in

independent claims. Thus, a person skilled in the art would not get any indication from Billhartz to look at a document such as Jain, which is not at all related to ad hoc networks. Further, Jain is not adapted to a dynamically changing network topology such as ad hoc networks. Present disclosure describes the differences between ad hoc and ordinary static networks. *See e.g., background.* It is clear that it is not at all obvious to combine Billhartz with Jain.

For at least these reasons, independent claims 1, 6 and 12 are distinguishable over Billhartz and Jain. Neither Kuszmaul nor Boaz corrects the above-noted deficiencies of Billhartz. Thus, independent claims are also distinguishable over Billhartz, Kuszmaul and Boaz, individually or in any combination thereof. By virtue of their dependencies from independent claims as well as on their own, the dependent claims are distinguishable over Billhartz, Kuszmaul and Boaz.

Applicants respectfully request that the rejections of claims 1-18 be withdrawn.

#### **E. CONCLUSION**


All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn

(Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Hyung N. Sohn  
Reg. No. 44,346

HNS/edg  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100